

issues surrounding the Hudson Dog Track proposal. The SMSC is a federally recognized Indian tribe which retains those aspects of its inherent sovereignty not explicitly divested by Congress, including the right of sovereign immunity to legal process. However, in the spirit of cooperation with the Independent Counsel, SMSC determined that it would respond to the subpoena.

In response to the June 8, 1998 subpoena, SMSC and its lawyers searched the offices of the SMSC, the offices of counsel for the SMSC during relevant time periods and the offices of the tribal gaming operation, Little Six, Inc. ("LSI"), for documents. SMSC produced nearly 10,000 pages of non-privileged documents responsive to the subpoena and provided a detailed privilege log on June 30, 1998. On August 19, 1998, SMSC produced some additional responsive non-privileged documents which were discovered after the June 30<sup>th</sup> production.

On or about November 23, 1998, counsel for SMSC Kurt V. BlueDog received a Subpoena To Testify Before Grand Jury (dated November 20, 1998) specifying a return date of December 4, 1998, seeking the records of Kurt V. BlueDog and Mr. BlueDog's law firm BlueDog, Olson & Small P.L.L.P., which acts as general counsel for SMSC. In response to the June 8, 1998 subpoena on SMSC, the files of Mr. BlueDog and his firm were searched and some 550 pages of documents were produced on June 30, 1998. In response to the November 20, 1998 subpoenas these documents were identified and an additional 104 documents were produced along with substantive information concerning phone numbers and e-mail accounts.